

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT DANVILLE, VA
FILED for
RME
JUL 10 2006
JOHN F. CORCORAN, CLERK
BY: H McDonald
DEPUTY CLERK

UNITED STATES OF AMERICA,
Plaintiff,

v.

MELVIN EUGENE MIKE, JR.,
Defendant.

Criminal Case No. 7:95cr00061

ORDER

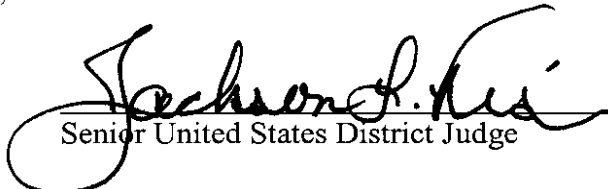
By: Jackson L. Kiser
Senior United States District Judge

This matter is before the court upon defendant, Melvin Eugene Mike, Jr.'s motion which the court will construe as a Motion to Modify Sentence, document number 22.¹ I must deny the motion for lack of jurisdiction.

Title 18, § 3582(c) expressly states "[t]he court **may not** modify a term of imprisonment once it has been imposed except" upon a motion by the Bureau of Prisons or the government or other circumstances not present in Mike's case. See also Fed. R. Crim. Pro. 35 (court may can only correct or reduce sentence only within seven days from the entry of the judgment upon motion by the government or upon remand from the court of appeals). As I find no basis upon which I have jurisdiction to reduce defendant's sentence at this time, it is hereby **ORDERED** that his Motion to Modify Sentence shall be and hereby is **DENIED**.

The Clerk is directed to send certified copies of this order to the defendant.

ENTER: This 10th day of July, 2006.


Senior United States District Judge

¹Defendant moves the court to modify his federal sentence to run concurrently with his state sentence.